Notice of Allowability	lication No.	Applicant(s)	
	749,954	JANGBARWALA ET	AL.
	miner	Art Unit	
	est G. Therkorn	1723	
The MAILING DATE of this communication appears of All claims being allowable, PROSECUTION ON THE MERITS IS (OR Finerewith (or previously mailed), a Notice of Allowance (PTOL-85) or oth NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS of the Office or upon petition by the applicant. See 37 CFR 1.313 and I	REMAINS) CLOSED in this app ner appropriate communication S. This application is subject to	lication. If not include will be mailed in due	ed course. <b>THIS</b>
1. This communication is responsive to <u>December 31, 2003</u> .			
2. The allowed claim(s) is/are 1-15.			
3. $\square$ The drawings filed on <u>31 December 2003</u> are accepted by the E	xaminer.		
<ul> <li>4. Acknowledgment is made of a claim for foreign priority under 3</li> <li>a) All b) Some* c) None of the:</li> <li>1. Certified copies of the priority documents have been</li> <li>2. Certified copies of the priority documents have been</li> <li>3. Copies of the certified copies of the priority document</li> </ul>	n received. n received in Application No	<del></del>	tion from the
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this noted below. Failure to timely comply will result in ABANDONMENT THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	s communication to file a reply of this application.	complying with the rec	quirements
5. A SUBSTITUTE OATH OR DECLARATION must be submitted. INFORMAL PATENT APPLICATION (PTO-152) which gives rea	Note the attached EXAMINER's son(s) why the oath or declarat	S AMENDMENT or N ion is deficient.	OTICE OF
6. CORRECTED DRAWINGS (as "replacement sheets") must be s	submitted.		
(a) $\square$ including changes required by the Notice of Draftsperson's F	Patent Drawing Review ( PTO-9	948) attached	
1) ☐ hereto or 2) ☐ to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Ame Paper No./Mail Date	endment / Comment or in the O	ffice action of	
Identifying indicia such as the application number (see 37 CFR 1.84(c)) each sheet. Replacement sheet(s) should be labeled as such in the hea	should be written on the drawin	gs in the front (not the	back) of
7. DEPOSIT OF and/or INFORMATION about the deposit of attached Examiner's comment regarding REQUIREMENT FOR	BIOLOGICAL MATERIAL M THE DEPOSIT OF BIOLOGICA	nust be submitted. N AL MATERIAL.	Note the
Attachment(s)			

U.S. Patent and Trademark Office

1. Notice of References Cited (PTO-892)

Paper No./Mail Date \_

of Biological Material

2. Notice of Draftperson's Patent Drawing Review (PTO-948)

4. 

Examiner's Comment Regarding Requirement for Deposit

3. 🛛 Information Disclosure Statements (PTO-1449 or PTO/SB/08),

5. Notice of Informal Patent Application (PTO-152)

8. 🛛 Examiner's Statement of Reasons for Allowance

6. Interview Summary (PTO-413),
Paper No./Mail Date

9. Other \_\_\_\_\_.

7. X Examiner's Amendment/Comment

Application/Control Number: 10/749,954

Art Unit: 1723

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

This application contains claims directed to the following patentably distinct species of the claimed invention: Each of the process of claim 1 and the process of claim 16 is considered to be a distinct species.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with David A. Hey on August 16, 2005 an election was made to prosecute the invention of claims 1-15. Claims 16-21 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claims 16-21, drawn to a non-elected invention, have been cancelled.

Authorization for this examiner's amendment was given in a telephone interview with David A. Hey on August 16, 2005.

The following is an examiner's statement of reasons for allowance: Krulik (U.S. Patent No. 5,876,685) is considered to be the closest art because it discloses a similar process. The case has been allowed because the recited combination of steps would not have been obvious from Krulik (U.S. Patent No. 5,876,685).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ernest G. Therkorn Primary Examiner

Crost G. The how

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**EGT** 

August 17, 2005